

IV. REMARKS

1. Claims 3, 5-23, 26, and 28-45 remain in the application. Claims 1, 2, 4, 24, 25, and 27 have been cancelled. Claims 3, 5, 8, 11, 14-16, 18-23, 26, 28, 29, 31, 34, 37-39, and 41-45 have been amended.

2. Applicant appreciates the indication that claims 8-10, 19, 22, 31-33, and 42 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Accordingly, Applicant has amended claim 8 to include all the limitations of claims 1, 2, and 4, amended claim 19 to include all the limitations of claims 1 and 18, amended claim 22 to include all the limitations of 1, 2, and 21, and have amended claim 31 to include all the limitations of claims 24, 25, and 27.

As a result, Applicant respectfully submits that claims 3, 5-23, 26, and 28-44 are in condition for allowance.

3. Applicant further submits that claim 45 is also allowable. Claim 45 has been amended to include all the features of claims 24 and 44.

In the previous Office Action the Examiner indicated that claim 22 would be allowable if rewritten to include all the limitations of the base claim and any intervening claims.

Applicant respectfully submits that the patentable features of claim 22 include:

pre-heating said optical source before said optical source is caused to emit optical radiation;

wherein optical radiation is emitted as a result of current flowing through said optical source, wherein pre-heating includes:

heating said optical source to an initial temperature using a heater; and

subsequently heating said optical source by causing a current to flow through said optical source,

the method further including:

associating with said optical source at least one temperature conditioning element for controlling the temperature of said optical source; and

using said temperature conditioning element as said heater for heating said optical source to said initial temperature.

Claim 45 as amended is directed to a system including:

an optical radiation source;

control circuitry to control the temperature of said optical source, wherein said circuitry includes a heater for pre-heating said optical source to an initial temperature before said optical source is caused to emit optical radiation;

a temperature conditioning element for controlling the temperature of said optical source; and

a current driver to selectively control the intensity of current flowing through said optical source,

wherein said temperature conditioning element is used as the heater for heating said optical source to said initial temperature.

Applicant respectfully submits that claim 45 has the same patentable features as allowable claim 22, and therefore is in condition for allowance.

4. Applicant further submits that claim 45 is not anticipated by Gibbs (US 5,463,648).

Gibbs fails to disclose or suggest control circuitry to control the temperature of the optical source that includes a heater for pre-heating the optical source to an initial temperature before the optical source is caused to emit optical radiation, as recited by claim 45.

Gibbs also fails to disclose or suggest that a temperature conditioning element for controlling the temperature of the optical source is also used as the heater for heating the optical source to said initial temperature, as recited by claim 45.

Gibbs has no disclosure related to such a heater or a temperature conditioning element that operates as a heater.

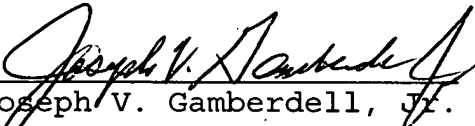
Therefore Gibbs does not anticipate claim 45.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should

any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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February 3, 2005
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